

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

RUSSELL SCOTT FARIA,

Plaintiff,

v.

CASE NO. 4:16-cv-01175-JAR

SERGEANT RYAN J. MCCARRICK,  
DETECTIVE MICHAEL MERKEL,  
DETECTIVE PATRICK HARNEY,  
PROSECUTING ATTORNEY LEAH  
ASKEY,

Defendants.

**DEFENDANT LEAH ASKEY'S JOINDER IN DEFENDANTS MCCARRICK,  
MERKEL AND HARNEY'S MOTION TO DISMISS**

COMES NOW Defendant Leah Askey by undersigned counsel and pursuant to F.R.C.P. 8(a)(2) and respectfully joins in and incorporates by reference the Motion of Defendants Ryan McCarrick, Michael Merkel and Patrick Harney to dismiss and supporting suggestions (Docs. 15 and 16). For her Joinder in that Motion, Defendant Askey states as follows:

1. Plaintiff filed his Motion for Leave to File a First Amended Petition on or about September 15, 2016, prior to the undersigned counsel's entry of appearance in this case. See Court file.
2. Counsel entered appearance for Defendant Askey on or about September 20, 2016, and was granted leave for an extension of time to file a response to the First Amended Petition. (See Doc. 13).
3. After undersigned counsel entered their appearance and was granted an extension of time in which to respond to the First Amended Petition, counsel for Defendants McCarrick, Merkel and Harney entered his appearance and filed the Motion to Dismiss. (See Docs. 15 and

16). Defendants have also filed Reply Suggestions in support of the Motion. (See Doc. 19) Defendant Askey joins in the Motion to Dismiss and incorporates the same with the supporting suggestions as though fully set forth herein.

4. Defendant Askey's Joinder in the pending Motion to Dismiss is not filed to delay these proceedings but in the interest of streamlining the case and burden on the Court and parties herein.

WHEREFORE, for the reasons stated in Defendants McCarrick, Merkel and Harney's Motion to Dismiss, Defendant Leah Askey respectfully prays this Court enter an Order dismissing Plaintiff's Amended Petition in its entirety pursuant to Rule 8(a) with leave to file a Second Amended Petition as to the claims set forth in Counts I, II, III and IV that complies with the Federal Rules of Civil Procedure. Although Count V of the First Amended Complaint does not purport to state a claim against Defendant Leah Askey, to the extent it may be construed to allege a claim against Defendant Askey, she respectfully prays the Court enter its Order dismissing that Count for failure to state a claim upon which relief can be granted pursuant to Rule 12(b)(6).

Respectfully Submitted,

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ATTORNEYS FOR DEFENDANT ASKEY

**CERTIFICATE OF SERVICE**

I hereby certify that the above and foregoing was filed with the Court via the ECF filing system on October 6, 2016, causing notice to be sent electronically, to:

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